

NOTICE OF VIOLATION LETTERS
ISSUED BY COUNTY'S
DEPARTMENT OF CODE COMPLIANCE
ON JUNE 21, 2012

(A copy of a previous Notice of Violation letter dated April 13, 2002,
Is included among the documents obtained from the file for
Special Exception Application SE 2004-LE-008)



Return Copy

County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION

DATE OF ISSUANCE: June 21, 2012

SHERIFF'S LETTER

CASE #: 201105831 SR#: 75475

SERVE: Franconia Shell
c/o Sami Fakhouri, Business owner
6136 Franconia Road
Alexandria, Virginia 22310

**LOCATION
OF VIOLATION** 6136 Franconia Road
Alexandria, Virginia 22310
Franconia Hills Pt, Lot 4
Tax Map #: 81-3 ((4)) 4A
Zoning Districts: C-5, H-C

Dear Business Owner:

Investigations of the above referenced property on November 1, 2011, and May 24, 2012 revealed the following violations of the Fairfax County Zoning Ordinance.

- § 17-103 (2) Site Plan
- § 18-601 Building Permit:
- § 18-603 Limitations on Approval of Building Permits:

A review of county records has revealed that Site Plan 271-A, entitled Shell Oil was approved on November 19, 1969 for one (1) building, two (2) gas pumps and underground tanks.

The investigations have determined that inoperable vehicles and abandoned vehicles, outdoor storage of automotive parts and equipment, large plastic fluid drums, construction material and other miscellaneous items, vehicle repairs outside the designated service bay areas, construction of a six (6') foot wood privacy fence at the left side of the building to enclose the area where vehicle repairs are performed, prohibited signs, two (2) accessory storage containers, paving the rear area of the property and a two (2) vehicle bay addition attached to the rear of the building has been established or expanded on this property. A review of Fairfax County records revealed

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

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c/o Sami Fakhouri, Business owner

June 21, 2012

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that no site plan has been approved to permit this. The establishment or expansion of this use on this property is in violation of Par. 2 of Sect. 17-103 of the Zoning Ordinance which states:

Prior to construction and/or establishment, the following uses, including modifications or alterations to existing uses, shall require site plan or minor site plan approval unless exempt under Sect. 104 below:

2. All permitted uses in the C districts.

Furthermore, a review of Fairfax County Land Development records indicates that a Building Permit was never obtained for the construction/erection of the rear two (2) bay addition as required in Sect. 18-601 of the Zoning Ordinance. Therefore, the construction/erection of the rear two (2) bay addition is not in conformance with Site Plan 271-A or Special Permit S-168-74 and is in violation of Sect. 18-601 of the Zoning Ordinance which specifies:

The erection of all buildings and all structures, as well as additions, deletions and modifications thereto, shall be subject to the provisions of Chapter 61 of The Code, Buildings. No building or structure which is required to have a Building Permit pursuant to Chapter 61 of The Code shall be erected until a Building Permit Application has been approved by the Zoning Administrator.

Finally, a Building Permit cannot be issued for the rear two (2) bays addition until it is shown on an approved site plan as required by Par. 1 of Sect. 18-603. This provision states that:

No Building Permit shall be issued for the erection of any building or structure on a lot or addition or modification to a building or structure that is in violation of any of the provisions of Chapter 101, Chapter 116 or Chapter 118 of The Code, this Ordinance, all other applicable laws and ordinances, any proffered conditions, or any development conditions of any approved rezoning, special permit, special exception or variance. Appeals of decisions made pursuant to Chapter 118 of The Code which are appealable shall be processed in accordance with Article 8 of Chapter 118.

Therefore, you are in violation of Par. 1 of Sect. 18-603 of the Zoning Ordinance as outlined above. You are hereby directed to clear these violations within thirty (30) days after of the date of this notice. Compliance must be accomplished by:

- Removing the rear two (2) bay addition from the property; or
- Submitting to and obtaining approval from the Department of Public Works and Environmental Services (DPWES) for a new site plan to reflect the use of the two (2) bay addition on the property; and

Franconia Shell
c/o Sami Fakhouri, Business owner
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- Applying for a Building Permit for the two (2) bays addition; and
- Apply for and obtain a Special Exception approval for a service station.

§ 2-304 (1) Special Exception:

No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been secured from the Board in accordance with the provisions of Article 9.

Research of our records indicates that Franconia Shell, located at 6136 Franconia Road, is subject to Special Permit S-168-74, which was granted by the Board of Zoning Appeals (BZA) on November 13, 1974, to permit amendment to existing SUP to allow relocation of pump islands, construction of driveway to rear of existing station, relocation of fence required by previous Special Use Permit and waiver of screening required under previous SUP adjacent to residential land and building renovations. Special Permit S-168-74 was granted subject to the development conditions mentioned above.

Based on zoning investigations on November 1, 2011, and May 24, 2012, it has been determined that this use is not being conducted in compliance with S-168-74 by conducting vehicle repairs outside the designated service bay areas, constructing a six (6') foot wood privacy fence at the left side of the building to enclose the area where vehicle repairs are performed and displaying new tires sales in front of the building. Since the approved Special Permit Use has been expanded, the service station requires Special Exception approval.

Therefore, you are in violation of Par. 1 of Sect. 2-304 of the Zoning Ordinance as outlined above.

You are hereby directed to clear these violations within thirty (30) days after of the date of this notice. Compliance must be accomplished by:

- Ceasing vehicle repairs performed outside the designated service bay areas; and
- Remove the six (6') foot privacy fence located at the left side of the building; and
- Remove the outside display or storage of items for sale, other than automobile fuel, or
- Apply for and obtain a Special Exception for the Service Station, and obtain all

Franconia Shell
c/o Sami Fakhouri, Business owner
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the other necessary permits.

§ 2-302 (5) Permitted Uses: STORAGE YARD

No use shall be allowed in any district which is not permitted by the regulations for the district.

Use limitations in a C-5 Neighborhood Retail Commercial District as outlined in Sect. 4-502 of Part 5 of the Zoning Ordinance does not include a storage yard use. Such a use under the Fairfax County Zoning Ordinance is defined by Part 3 of Article 20 of the Fairfax County Zoning Ordinance as:

STORAGE YARD: The use of any space, whether inside or outside a building, for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, boats and/or farm machinery.

The investigations found that you are storing inoperable vehicles and abandoned vehicles, outdoor storage of automotive parts and equipment, large plastic fluid drums, construction material and other miscellaneous items on the property.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by the following:

- Removing the storage yard use from the property.

§ 2-302 (9) Sign Not Permitted

The investigations revealed that you have installed or have allowed the installation of signs on the above referenced property. These signs advertise Shell Nitrogen Enriched Gasoline, Va. State Inspections and Va. State Emissions. A sign is defined in Article 20 of the Fairfax County Zoning Ordinance in part, as:

Any writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or similar character which:

- Is used to announce, direct attention to, identify, advertise or otherwise make anything known; and
- Is visible from the public right-of-way or from adjoining property.

These signs are not permitted in accordance with Article 12 of the Zoning Ordinance. Therefore the display of this sign is a violation of Par. 9 of Sect. 2-302 which requires that:

Franconia Shell
c/o Sami Fakhouri, Business owner
June 21, 2012
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No sign shall hereafter be erected, built or displayed and no existing sign shall be moved, remodeled, altered or enlarged unless such sign complies, or will thereafter comply, with the provisions of Article 12.

You are hereby directed to clear this violation within 24 hours after receipt of this Notice. Compliance can be accomplished by:

- Removing, on a permanent basis, the unpermitted signs from the property.

§ 18-701 Non Residential Use Permit:

It has been determined that Franconia Shell is not operating/occupying the property in compliance with Non-RUP A- 2001-1013 for Franconia Shell. Therefore, you are in violation of Sect. 18-701 of the Fairfax County Zoning Ordinance which states:

No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Part. A Residential or Non-Residential Use Permit shall be deemed to authorize and is required for both the initial and continued occupancy and use of the building or land to which it applies.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by the following:

- Vacating the premises or
- Obtaining the required Non-RUP indicating expansion of service station use within thirty (30) days of the date of this Notice.

Specific instructions and requirements relative to this permit can be obtained by contacting the Zoning Permit Review Branch, 12055 Government Center Parkway, Fairfax, Virginia, telephone 703-222-1082, between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday.

A follow-up investigation will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the

Franconia Shell

c/o Sami Fakhouri, Business owner

June 21, 2012

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decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-4375 or (703) 324-1300.

Sincerely,



Al Sanchez

Code Compliance Investigator

<input checked="" type="checkbox"/> PERSONAL SERVICE		<i>Sani, Fakhour</i>	
<input type="checkbox"/> Being unable to make personal service a copy was delivered in the following manner:			
<input checked="" type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.			
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.			
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)			
<input type="checkbox"/> Served on a Secretary of the Commonwealth.			
<input type="checkbox"/> Not found		<i>PF F. G. Barry</i> SERVING OFFICER	
<i>6/21/12</i> DATE		for Stan G. Barry, Sheriff Fairfax County, VA	



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION

DATE OF ISSUANCE: June 21, 2012

CERTIFIED MAIL #: 70111570000166314573

CASE #: 201105831 **SR#:** 75475

SERVE: Nova Petroleum Realty LLC
c/o C T Corporation System, Attention: Tinika Baylor, Registered Agent
4701 Cox Road, Suite 301
Glen Allen, Virginia 23060

LOCATION OF VIOLATION 6136 Franconia Road
Alexandria, Virginia 22310
Franconia Hills Pt, Lot 4
Tax Map #: 81-3 ((4)) 4A
Zoning Districts: C-5, H-C

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Nova Petroleum Realty LL

c/o C T Corporation System, Attention: Tinika Baylor, Registered Agent

June 21, 2012

Page 2

rear area of the property and a two (2) vehicle bay addition attached to the rear of the building has been established or expanded on this property. A review of Fairfax County records revealed that no site plan has been approved to permit this. The establishment or expansion of this use on this property is in violation of Par. 2 of Sect. 17-103 of the Zoning Ordinance which states:

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Therefore, you are in violation of Par. 1 of Sect. 18-603 of the Zoning Ordinance as outlined above. You are hereby directed to clear these violations within thirty (30) days after of the date of this notice. Compliance must be accomplished by:

- Removing the rear two (2) bay addition from the property; or
- Submitting to and obtaining approval from the Department of Public Works and Environmental Services (DPWES) for a new site

Nova Petroleum Realty LLC

c/o C T Corporation System, Attention: Tinika Baylor, Registered Agent

June 21, 2012

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plan to reflect the use of the two (2) bay addition on the property;
and

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Nova Petroleum Realty LLC

c/o C T Corporation System, Attention: Tinika Baylor, Registered Agent

June 21, 2012

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- Is used to announce, direct attention to, identify, advertise or otherwise make anything known; and
- Is visible from the public right-of-way or from adjoining property.

These signs are not permitted in accordance with Article 12 of the Zoning Ordinance. Therefore

Nova Petroleum Realty L.L.C.

c/o C T Corporation System, Attention: Tinika Baylor, Registered Agent

June 21, 2012

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the display of this sign is a violation of Par. 9 of Sect. 2-302 which requires that:

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A follow-up investigation will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions.

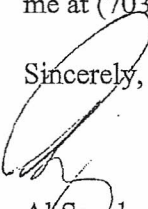
You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals

Nova Petroleum Realty LI
 c/o C T Corporation System, Attention: Tinika Baylor, Registered Agent
 June 21, 2012
 Page 6

(BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

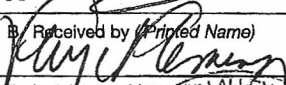
Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-4375 or (703) 324-1300.

Sincerely,


 Al Sanchez
 Code Compliance Investigator

7011 1570 0001 6631 4573

U.S. Postal ServiceTM	
CERTIFIED MAIL[®] RECEIPT	
<i>(Domestic Mail Only: No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Nova Petroleum Realty LLC	
Sent To: c/o C T Corporation System,	
Street: Attention: Tinika Baylor, Registered Agent	
or PO: 4701 Cox Road, Suite 301	
City: Glen Allen, VA 23060	
PS Form 3800, August 2006 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Nova Petroleum Realty LLC c/o C T Corporation System, Attention: Tina K. Baylor, Registered Agent 4701 Cox Road, Suite 301 Glen Allen, VA 23060		B. Received by (Printed Name)  C. Date of Delivery JUN 21 2012	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If Yes, enter delivery address below: <input type="checkbox"/> No	
		Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		2011 1570 0001 6631 4573	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

COUNTY OF FAIRFAX

Department of Code Compliance

Attn: AL Case: 201105831

12055 Government Center Parkway, Suite 1016
Fairfax, VA 22035

6136 Franconia Rd.

